

**JAMES N. WITKOWIAK**  
ALDERMAN, 12TH DISTRICT

June 24, 2005

To the Honorable, the Common Council

Dear Members:

Re: Common Council File 050221

Recommendation of renewal with a 15-day suspension, based on neighborhood objections and the police report, of the Class "B" Tavern license of Devon Brown for the premises at 3515 W. Villard Ave. ("Conversations") in the 1<sup>st</sup> Aldermanic District. (Committee vote: Ayes: 2, Noes: 1, Excused: 2)

Recommendation of renewal of the Class "B" Tavern license with a 15-day suspension, renewal of the Tavern Dance license with a 45-day suspension and renewal with no suspension of the Billiard Hall license, based on neighborhood objections and the police report, of Thomas McNeal for the premises at 6263 N. Teutonia Ave. ("Area 414") in the 1<sup>st</sup> Aldermanic District. (Committee Vote: Ayes: 3, Noes: 1, Excused: 1)

With regard to the items listed above, the Utilities and Licenses Committee held an evidentiary hearing on June 21<sup>st</sup>, 2005.

Pursuant to section 90-11, Milwaukee Code of Ordinances, and section 125.12(12), Wis. Stats., the Committee is transmitting a copy of its Report and Recommendations, regarding the above matters to your Honorable Body.

Pursuant to City Ordinances, prior to the time the Common Council acts on the Committee's Report, **a roll call vote will be taken** to confirm that all members present and voting have read the Committee's Report and any objections that have been filed by the Licensee.

These matters have been scheduled for a hearing before the full Common Council at its meeting on **Wednesday, July 6, 2005** at 9:00 A.M. in the Common Council Chambers.

Respectfully,

**JAMES N. WITKOWIAK**

James N. Witkowiak, Chair  
Utilities & Licenses Committee

cc: All Council Members  
CCF 050221



**JAMES N. WITKOWIAK**  
ALDERMAN, 12TH DISTRICT

Date: June 24 2005

To: All Mmbers of the Milwaukee Common Council

From: Utilities and Licenses Committee

Re: Report on the Renewal Application of the Class "B" Tavern license of Devon R. Brown for the license premises at 3515 West Villard Street in the City and County of Milwaukee, Wisconsin ("Conversations").

FINDINGS OF FACT

1. Devon R. Brown (hereinafter the "Licensee") is the holder of a Class "B" Tavern license in the City and County of Milwaukee, Wisconsin. Said license expires at midnight, July 15, 2005.
2. An application to renew said license was filed with the Office of the City Clerk on April 11, 2005.
3. Pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. On April 12, 2005, the Milwaukee Police Department responded with a police report that could form a basis for non-renewal or suspension of said license. There were also neighborhood objections to loitering, littering, loud music, damage to private property, parking and traffic problems and conduct which is detrimental to the health, safety, and welfare of the neighborhood.
4. On June 9, 2005, the City Clerk's Office provided timely notice to the Licensee pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the neighborhood objections and of the report of the Milwaukee Police Department and included therewith a copy of the Milwaukee Police Department report. The matter was scheduled for a hearing on the Police Department report on June 21, 2005, commencing at 9:30 a.m. in Room 301B of City Hall, 200 East Wells Street, Milwaukee, Wisconsin 53202. At said date, time and place, the licensee appeared and admitted receipt of the police report. She was represented by Attorney Peter Bockhorst, Bockhorst Law Firm, 510 North 27<sup>th</sup> Street, Milwaukee, WI 53208.

5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
- A. On September 7, 2003 at 1:45 a.m. City of Milwaukee Police Department police officers observed a large group of persons exiting the licensed premises at 3515 West Villard Avenue in the City and County of Milwaukee, Wisconsin ("Conversations"). One person was carrying an open 16-ounce bottle of Miller Genuine Draft beer and another person was carrying an open bottle of Corona beer. The first person was issued a citation for public drinking and the other person got lost in the crowd. The licensee, Devon R. Brown, was issued a citation for permitting patrons to leave a Class "B" Tavern with an open bottle and on January 26, 2004 was found not guilty.
  - B. On February 7, 2004 at 2:30 a.m., City of Milwaukee Police Department police officers were informed of a fight in progress outside the licensed premises at 3515 West Villard Avenue in the City and County of Milwaukee, Wisconsin ("Conversations"). A tavern security guard stated he and other security were forced to remove two persons from the tavern who were attempting to fight and cause a disturbance and that when they left, one broke a 3x5 window at 3511 West Villard Street. When the officer interviewed Devon R. Brown, she was not aware that a fight had occurred and she was not aware that anyone was removed.
  - C. On February 8, 2004 at 2:05 a.m., City of Milwaukee Police Department police officers were sent to 35<sup>th</sup> and Villard Avenue to back up other officers regarding a large crowd and fight in the street. When they arrived, the police observed four police officers attempting to prevent several disorderly people from fighting. The investigation revealed that one of the persons was a 19 year old patron inside the licensed premises at 3515 West Villard Avenue in the City and County of Milwaukee, Wisconsin ("Conversations") and, upon leaving, engaged in a fight. Approximately 100 people had gathered. One person was arrested for substantial battery, one was arrested for disorderly conduct, two were arrested for resisting or obstructing, and one was arrested for presence of underage. Devon Brown was cited for presence of underage. The bartender, Dwayne Barnes, was cited and found guilty of presence of underage on March 31, 2004 and fined \$100.
  - D. On August 4, 2004 at 10:25 p.m., City of Milwaukee Police Department police officers conducted a premises check at the licensed premises at 3515 West Villard Avenue in the City and County of Milwaukee, Wisconsin ("Conversations"). Upon entry, they observed a male, dressed as a woman, dancing to prerecorded music being played by a patron of the tavern. The male subject was dancing in an exotic manner and was receiving dollar bills from the patrons of the bar for his performance. The billiard table that is normally positioned in the middle of the tavern was pushed to the side of the tavern to

make room for this performance. The licensee was on the premises tending bar. The licenses were checked and it was found that the pool table license, a report spin license, a phono/jukebox license, and an amusement machine license all expired on July 15, 2004. The licensee was charged with tavern amusement license required and playing prerecorded music without a license. Both of these matters were dismissed on January 11, 2005. The licensee was charged with pool table license required and found guilty on January 11, 2005 and fined \$315.00. These findings were part of a plea bargain.

- E. On December 4, 2004, at approximately 2:05 a.m., City of Milwaukee Police Department police officers were dispatched to a shooting at 3510 West Villard Avenue in the City and County of Milwaukee, Wisconsin. The investigation revealed that two fights started inside the licensed premises at 3515 West Villard Avenue in the City and County of Milwaukee, Wisconsin ("Conversations"). A patron on the premises, who told officers she sometimes waitresses and bartends at the premises, told officers that she observed two males dancing together on the dance floor. A possible boyfriend of one of the dancers apparently became jealous of the two men dancing together and began arguing with them. A fight broke out and security made everyone involved leave the bar. Outside the bar, the fight continued and security had to go outside to break up the fight. An unknown person pulled out a gun and two or three shots were heard. The victim was one of the persons involved in the argument and fight inside the premises earlier. He sustained a gunshot wound to his back. The criminal investigation indicated that there was a DJ and dancing that evening. The premises does not have a dance permit. An incident report was filed and the incident is pending.
- F. On December 12, 2004 at approximately 2:34 a.m., a City of Milwaukee Police Department police officer on patrol observed that the licensed premises at 3515 West Villard Avenue in the City and County of Milwaukee, Wisconsin ("Conversations") was still open to the public and the establishment's "Open" sign was illuminated. Music was playing and there were approximately 25 patrons and some were dancing. The officer entered the premises and informed the licensee that it was past 2:30 a.m. and the tavern should be closed. The licensee stated that she was just getting ready to close and offered no excuse for still being open. The licensee was charged for tavern/music and patrons after hours and fined \$350.00
- G. Adjoining neighbors testified to numerous incidents of litter, vomit, drug paraphernalia and unruly crowds being generated by the operation of this premises. There are three other taverns in the area, two of which are immediately adjacent to this premises. The adjoining neighbors uniformly testified that the other locations have been in operation for many years without incident. However, in the last two years (the time this premises has been operating), the litter and unruly crowds have started. The litter includes beer bottles, glass, drug paraphernalia, vomit, and condoms. The noise disturbs at

least one adjoining neighbor, preventing sleep for two to three hours on end, two to three times per week.

#### CONCLUSIONS OF LAW

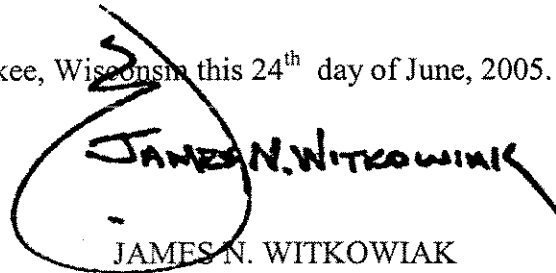
1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee recommends that the licensee, Devon Brown, has not met the criteria of Chapter 125, Wis. Stats. or Chapter 90 of the Milwaukee Code of Ordinances to allow renewal of the Class "B" Tavern license held by the licensee without undergoing a fifteen (15) day suspension. The Committee finds the police report and neighborhood objections as stated above to be true.
3. The Committee recommends that the full Common Council of the City of Milwaukee exercise its judgment to grant renewal of the Class "B" Tavern license for the licensed premises at 3515 West Villard Avenue in the City and County of Milwaukee, Wisconsin ("Conversations") held by Devon R. Brown with a fifteen (15) day suspension based upon the danger that her conduct represents to the health, safety and welfare of the citizens of the City of Milwaukee.

#### RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of two (2) ayes and one (1) noe and two (2) excused, recommends that the Class "B" Tavern license be renewed with a fifteen (15) day suspension based on the police report and neighborhood objections.

Said suspension is to be in effect between 12:01 a.m. July 16, 2005 and midnight, July 30, 2005.

Dated and signed at Milwaukee, Wisconsin this 24<sup>th</sup> day of June, 2005.

A handwritten signature in black ink that reads "JAMES N. WITKOWIAK". The signature is written in a cursive style and is enclosed within a hand-drawn circle.

JAMES N. WITKOWIAK  
Chairman of the Utilities  
and Licenses Committee



**JAMES N. WITKOWIAK**  
ALDERMAN, 12TH DISTRICT

Date: June 24, 2005

To: All Members of the Milwaukee Common Council

From: Utilities and Licenses Committee

Re: Report on the Renewal Application of the Class "B" Tavern, Tavern Dance and Billiard Hall license of Thomas J. McNeal for the license premises at 6263 North Teutonia Avenue in the City and County of Milwaukee, Wisconsin ("Area 414").

FINDINGS OF FACT

1. Thomas J. McNeal (hereinafter the "Licensee") is the holder of a Class "B" Tavern, Tavern Dance and Billiard Hall license in the City and County of Milwaukee, Wisconsin. Said license expires at midnight, July 14, 2005.
2. An application to renew said license was filed with the Office of the City Clerk on April 18, 2005.
3. Pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. On April 19, 2005, the Milwaukee Police Department responded with a police report that could form a basis for non-renewal or suspension of said license. There were also neighborhood objections to traffic problems, noise, public urination, cruising, fights disorderly conduct, shootings, and conduct which is detrimental to the health, safety, and welfare of the neighborhood.
4. On June 9, 2005, the City Clerk's Office provided timely notice to the Licensee pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the neighborhood objections and of the report of the Milwaukee Police Department and included therewith a copy of the Milwaukee Police Department report. The matter was scheduled for a hearing on the Police Department report and neighborhood objections on June 21, 2005, commencing at 10:00 a.m. in Room 301B of City Hall, 200 East Wells Street, Milwaukee, Wisconsin 53202. At said date, time and place, the licensee appeared and admitted receipt of the police report.

5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
- A. On October 14, 2004 at 1:15 AM officers of the Milwaukee Police Department investigated a battery complaint which occurred earlier at the licensed premises at 6263 North Teutonia Avenue in the City and County of Milwaukee, Wisconsin ("Area 414"). The victim stated she had been punched in the mouth in the parking lot of the tavern. The victim also related that security personnel from the tavern observed the altercation but did not do anything. One suspect was identified. An incident report was filed.
  - B. On October 13, 2004 officers of the Milwaukee Police Department responded to the licensed premises at 6263 North Teutonia Avenue in the City and County of Milwaukee, Wisconsin ("Area 414") regarding a man with a gun complaint. Officers interviewed a security guard who related that a patron was involved in an altercation in the parking lot. The patron was cited for disorderly conduct. The gun complaint was found to be baseless. An incident report was filed.
  - C. On November 4, 2004 at 12:37 AM officers of the Milwaukee Police Department investigated a battery complaint at the licensed premises at 6263 North Teutonia Avenue in the City and County of Milwaukee, Wisconsin ("Area 414"). Officers interviewed a security guard who related that a female patron had been hit in the head with a beer bottle, however, officers were unable to locate a victim. An incident report was filed.
  - D. On November 6, 2004 officers of the Milwaukee Police Department investigated a fight complaint at the licensed premises at 6263 North Teutonia Avenue in the City and County of Milwaukee, Wisconsin ("Area 414"). The investigation revealed that security guards were removing a patron from the tavern, when several others assaulted the security guards. One patron complained that he had be "pepper sprayed" by security, however, security denied carrying pepper spray. Four patrons were cited for battery. An incident report was filed.
  - E. On November 14, 2004 at 2:32 A.M. officers of the Milwaukee Police Department responded to the licensed premises at 6263 North Teutonia Avenue in the City and County of Milwaukee, Wisconsin ("Area 414") regarding a shooting. The investigation revealed that an unknown suspect shot a patron of the tavern in the upper left side of his body. Officers related that due to the large number of vehicles leaving the tavern, the med unit had a difficult time getting to the scene to treat the victim. A total of 10 squads were required to secure the scene. An incident report was filed.
  - F. On November 28, 2004 at 12:14 AM officers of the Milwaukee Police Department responded to the licensed premises at 6263 North Teutonia Avenue in the City and County of Milwaukee, Wisconsin ("Area 414") regarding shots fired. The investigation revealed that security had broken

up an altercation between two patrons. One of them threaten to return with a gun. The suspect left, but returned and ran into the club, yelling he had a gun. Security subdued the suspect and held him for police. He was found to be armed with a piece of marble slab. The suspect was charged with disorderly conduct while armed (state offense). An incident report was filed.

- G. On January 22, 2005 officers of the Milwaukee Police Department investigated a battery complaint at the licensed premises at 6263 North Teutonia Avenue in the City and County of Milwaukee, Wisconsin ("Area 414"). The investigation revealed the victim reported being hit in the head with a flashlight and a fist by security. He was treated at St. Michael's Hospital for a laceration above his eye which required five stitches. An incident report was filed.
- H. On February 19, 2005 at 12:45 AM officers of the Milwaukee Police Department responded to a trouble with patrons complaint at the licensed premises at 6263 North Teutonia Avenue in the City and County of Milwaukee, Wisconsin ("Area 414"). The investigation revealed that a female had been doing "a strip dance" which caused male patrons to start a disturbance. The female was being removed by security when she started kicking and hitting them. The suspect's sister joined in the disturbance. Both were arrested for disorderly conduct. An incident report was filed.
- I. On February 19, 2005 at 1:50 AM officers responded to the licensed premises at 6263 North Teutonia Avenue in the City and County of Milwaukee, Wisconsin ("Area 414"), regarding a fight. The investigation revealed that a patron of the tavern was attacked by several patrons. The victim was removed by security. Security related that the subject was fighting in the tavern with several others. An incident report was filed.
- J. The licensee advised the Committee that on items B, C, D, E, F, H and I the bar called the police for assistance.
- K. This premises opened in October 2004, and has been opened less than one year. It is open Wednesday, Friday, Saturday and some Sundays.
- L. Objecting neighbors testified to noise from the bar and cars racing after bar hours. Until this premises opened, the neighborhood was quiet and pleasant. Homeowners must keep windows closed.
- M. Neighbors are awoken in the middle of the night by exiting patrons racing cars and cruising. The cruising has prevented neighbors from using the street. This has happened since the premises opened in October 2004.
- N. The neighbors want the noise contained.
- O. The patrons ride up and down the street with patrons riding on exterior of cars. Drunken patrons sit on a curb and neighbors have witnessed public urination.
- P. One of the supporters of the premises is a patron of the premises. Three live on 35<sup>th</sup> Street, and an arrangement was made to close traffic from the premises on to 35<sup>th</sup> Street.
- Q. The licensee has held teen nights and nationally known entertainment acts under his tavern dance license. These acts have attracted younger and



more unruly patrons that have caused these problems.

#### CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee recommends that the licensee, Thomas McNeal, has not met the criteria of Chapter 125, Wis. Stats. or Chapter 90 of the Milwaukee Code of Ordinances to allow renewal of the Class "B" Tavern license held by the licensee without undergoing a fifteen (15) day suspension or, to allow renewal of the Tavern Dance license without undergoing a forty-five (45) day suspension of said license. The Committee finds the police report and neighborhood objections as stated to be true.
3. The Committee recommends that the full Common Council of the City of Milwaukee exercise its judgment to grant renewal of the Class "B" Tavern license for the licensed premises at 6263 North Teutonia Avenue in the City and County of Milwaukee, Wisconsin ("Area 414") held by Thomas J. McNeal with a fifteen (15) day suspension and a forty-five (45) day suspension of the Tavern Dance and renewal of the Billiard Hall license based upon the danger that his conduct represents to the health, safety and welfare of the citizens of the City of Milwaukee.

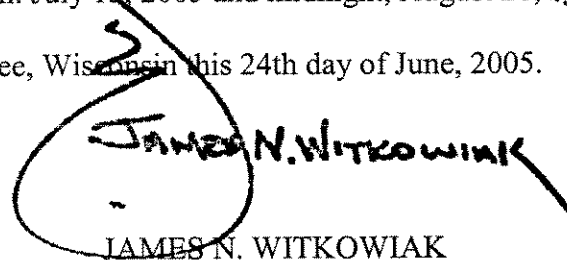
#### RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of three (3) ayes, one (1) no, and one (1) excused, recommends that the Class "B" Tavern license held by Thomas J. McNeal be renewed with a fifteen (15) day suspension and that the Tavern Dance license be renewed with a forty-five (45) day suspension and the Billiard Hall license be renewed.

The fifteen (15) day suspension for the Class "B" Tavern license is to be in effect between 12:01 a.m. July 15, 2005 and midnight, July 29, 2005.

The forty-five (45) day suspension for the Class "B" Tavern Dance license is to be in effect between 12:01 a.m. July 15, 2005 and midnight, August 28, 2005.

Dated and signed at Milwaukee, Wisconsin this 24th day of June, 2005.

A handwritten signature in black ink that reads "JAMES N. WITKOWIAK". The signature is written in a cursive style and is enclosed within a hand-drawn circle.

JAMES N. WITKOWIAK  
Chairman of the Utilities  
and Licenses Committee

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